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EP-13F February 2002

LAWRENCE J. DEANGELIS
124 LOTUS STREET - OCEANSIDE, CALIFORNIA 92054-3730
1-(760) 721-0330
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November 1, 2006

Mr. Asfand M. Sheikh
United States Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Regarding U.S. Patent Application No. 10/679,791

Dear Mr. Sheikh,

First of all I want to thank you for your empathy and your excellent telephone support.

As per your notice of Non-Compliant Amendment (37 CFR 1.121 & 1.4) mailed to me on October 3, 2006, attached, please find the references cited, remarks, and my signed claims in accordance with the rulings. As per your correspondence concerning my application, please replace my original thirty claims with the attached twelve (12) new claims. I canceled Claims 19 through 30 because they belong to a different type of patent, and Claims 1 through 18 because I did not like how they were worded and because of the prior art.

This invention is for an impartial electronic matchmaking method that introduces buyers to sellers of products and services that can be identified by individual digital merchandise codes of machine-readable identification tags or symbols, where the nucleus of the system is a software application that resides on a server attached to the Internet, referred to as the Shopper Assistant Portal, working in conjunction with a software application that can be compiled to run on any terminal-device that is capable of accessing the Internet directly or indirectly, with the users of the terminal-devices being referred to as Shoppers, and software that resides on servers that are also connected to the Internet belonging to individual Merchants of products and/or services, where the Shoppers choose the geographical area they want to shop in and the Merchants choose the geographical area they want to cater-to. Purchase and return transactions are conducted between the shopper and the individual merchant.

The primary difference between this invention and the prior art is that this system introduces buyers to sellers of products and services, where the buyers purchase the products and/or services directly from the seller and money is made from membership fees and not from a fee or a percentage of the sale. In other words, a seller pays a fee based on the number of products and/or services they offer and the area they cater-to and buyers pay membership dues whether or not they use the system.

It is inevitable that people will eventually adapt to the idea of building a shopping list based on UPC codes with the freedom of shopping the list at any merchant they choose.

I pray that this application gets approved.

Respectfully,

Lawrence J. DeAngelis

LJD: me
Enclosures:

email: ljd@EclecticDesigns.com

REMARKS

In part, this invention is an enhancement of my original U.S. Patent No. 4,654,482 ("the '482 patent"), that teaches the art of building a shopping list of one or more digital codes in the form of barcodes that can be shopped at two or more merchants through the telephone network. Also the '482 patent did not expire until 2004 and this application was filed in 2003.

§1.78 Claiming benefit of earlier filing date and cross-references to other applications.

> (a)(1)A nonprovisional application or international application designating the United States of America may claim an invention disclosed in one or more prior-filed copending nonprovisional applications or international applications designating the United States of America.
>
> In order for an application to claim the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America, each prior-filed application must name as an inventor at least one inventor named in the later-filed application and disclose the named inventor 's invention claimed in at least one claim of the later-filed application in the manner provided by the first paragraph of 35 U.S.C. 112.

35 U.S.C. 112 Specification.

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Section [0003] of this application states: In part, the present invention is an enhancement of the system shown in U.S. Patent No. 4,654,482 ("the '482 patent"), which issued to the present inventor on Mar. 31, 1987. The '482 patent described a system utilizing a terminal for ordering merchandise from one of a plurality of merchants over a direct distance dial telephone network. Products were identified by the user by scanning barcodes using a barcode reader, which communicated with the terminal. In this regard, the '482 Patent was limited to building a shopping list of one or more bar-coded products that could be shopped at a plurality of merchants.

> **Claim 1 of the '482 Patent states**: A terminal for ordering merchandise through a direct distance dial telephone network from any one of a plurality of merchants each having an order receiving apparatus that can be accessed through said direct distance dial telephone network, the merchandise being identified by individual printed merchandise codes in a catalog of printed merchandise codes and the order receiving apparatus of each merchant requiring its own set of recognition data to accept an order from the terminal, said terminal comprising:
>
> A. code reader means for producing electrical merchandise code signals in response to the code reader means recognizing a selected printed merchandise code;
> B. modem means adapted to be connected to said direct distance dial telephone network for establishing a telephone communication link with a desired one of said merchant order receiving apparatus;
> C. storage means containing at least one set of recognition data for each said desired one merchant order receiving apparatus; and
> D. control means for conveying said electrical merchandise code signals to said desired one merchant order receiving apparatus over said telephone communication link in conjunction with said at least one set of recognition data.

Regarding claims 1 through 4, 14, 15 and 18, I did not like the wording and therefore I am canceling them and replacing them with new claims.

Regarding claims 5 & 6, I am canceling because they have to do with product comparison and because of the prior art sited by you.

Regarding claim 7, I am canceling because it has to do with detailed description of products and because of the prior art sited by you.

Regarding claim 8, I am canceling because it has to do with searching for products and because of the prior art sited by you.

Regarding claims 9 through 13, I am canceling because it has to do with various types of devices and connections and because of the prior art sited by you.

Regarding claim 16, I am canceling because it has to do with list sorting and because of the prior art sited by you.

Regarding claim 17, I am canceling because it has to do with completing a purchase, which is not performed through this system and because of the prior art sited by you.

Regarding new claim 31 teaches in part an impartial electronic matchmaking method that introduces buyers to sellers of products and services.

Please note; the language relating to products and services can be found in section [0043].

[0043] It should be understood that in addition to products, the bar coded items can be services offered by a one or more merchants or service providers.

Please note; the concept of an impartial electronic matchmaking method can be comprehended by the language relating to the process of placing an order, which can be found in the Abstract (*When a shopper selects a merchant,* ***a link is executed to the merchant's e-commerce server where the shopper could proceed with the order through the order receiving system that the merchant has incorporated into their e-commerce system****. A shopper may purchase all, one, or selected products.* ***Purchases and return transactions are*** *preferably* ***conducted between the shopper and the individual merchant****.*), in sections [0008], [0012], [0039], and [0040], and in Figure 2, reference number 76. Furthermore, in section [0037], and in new claims 37 and 41, the concept of impartiality can be discerned by the wording "every Merchant".

[0008] The method would then include the steps of uploading the active list of selected products to the shopper assistance portal from the terminal device and, electronically providing at least a first portion of the active list of selected products to at least a first merchant of the plurality of **merchants for fulfilling at least a first portion of the order.** The first merchant may also be responsible for fulfilling the entire order. Alternatively, the method may include electronically providing a second portion of the active list of selected products to a **second merchant of the plurality of merchants for fulfilling a second portion of the order**. Moreover, **one or more additional merchants can be responsible for fulfilling any remaining portions of the order**. The merchants may be selected based on the geographical location that the shopper has indicated (i.e., merchants that serviced the location would be selected).

[0012] The method can further include **electronically completing the purchase of a selected product from a listed merchant. This can be done by connecting the user directly to a site maintained by the merchant(s) fulfilling the order.**

[0037] To determine which merchants the shopper could shop with, the shopper could select a SHOP menu option 66 that would execute a command that would upload the active shopping list from the shopper's terminal to the SAP 68. Upon receipt, the SAP would do a search of **every** merchant that services the designated shopper area and offers for sale one or more of the products in the shopper's active list 70. The SAP would then download the results back to the shopper's terminal 70.

[0039] To shop a merchant, the shopper would select one of the merchants and then select the SHOP menu option. **This requests the SAP to execute a link to the merchant's e-commerce website** 74. If the shopper has a small display terminal, the shopper could only shop one merchant at a time 72. However, with a PC or a larger associated terminal, the shopper could select one or more merchants facilitating side-by-side comparison 72. The system can be configured so that touching the SHOP menu option instructs the SAP to open a new browser for each selected merchant to execute a link to the merchant's e-commerce server(s) 74. **The shopper along with an attached data packet will enter <u>the merchant's e-commerce server</u> through a unique URL 74. The data packet informs the merchant's server of the products and the desired quantities the shopper is shopping for,** who the shopper is and the type of terminal used by the shopper 74. The point of entry will bypass the normal home page on the merchant's site, since the shopper already has the merchant's products selected. The merchant may ask the shopper whether the shopper is interested in companion products (for example, if the shopper is buying cake mix, the merchant may inquire whether the shopper needs frosting) but **<u>the shopper could always go directly to a checkout section on the site.</u>**

[0040] If the shopper is satisfied with the merchant's price, as well as the terms and conditions of the purchase, **the shopper could proceed with the order through the order receiving system that the merchant has incorporated into their e-commerce system** 76. A shopper may purchase all, one, or selected products. **All purchase and return transactions are** preferably **conducted between the shopper and the individual merchant.**

Regarding new claims 32 and 33, that talks about registered users and merchants who choose the geographical area.

Inasmuch as you stated that Wood (U.S. Patent Application Publication 2000/0034571) "*discloses providing the shopper assistance portal with a geographical location of placement of the order; and, displaying a list of merchants offering selected products in a potential order that service the location*".

The concept of buyers and sellers choosing geographical locations is as old as commerce itself; in the days of the horse and carriage, merchants opened general stores in the geographical locations they wanted to sell in, and people settled in geographical locations where the only stores that they could buy from were in the local geographical area. Furthermore, this invention is not about a potential order, since it is no concern to this invention whether or not a sale is made. In addition, the primary reason for these claims is to establish that the users and merchants are registered, and it is necessary for the functionality of this system for the users and merchants to choose the geographical areas to buy and sell in, after all, someone in California may order an electronic product from a merchant in New York, but it would be ludicrous for someone in California to order milk from a merchant in New York.

Regarding new claim 34, teaches about electronically collecting into memory storage one or a plurality of <u>desired</u> individual digital merchandise codes, utilizing one or more of the <u>established methods</u> of data collection devices, and <u>increment the quantity field</u> instead of creating a new record.

Please Note: This application is using <u>established methods</u> and not claiming a new way of data collection. Furthermore, the '482 patent claimed a code reader means for producing electrical merchandise code signals in response to the code reader means recognizing a selected printed merchandise code. The primary reason for this claim is to establish the method of incrementing the quantity field. Furthermore, I am collecting into memory storage one or a plurality of <u>desired</u> individual digital merchandise codes, and not specifically a potential order.

Please note; the language relating to the all-important **<u>quantity</u>** field is referenced in sections [0030], [0031], [0039] (above), and [0041], and in Figure 2, reference number 74, enclosed.

[0030] The SAP may interact with each shopper differentially depending on the kind of terminal the particular shopper is using. On a terminal with as little as an eighty-character display such as a cell-phone or a dedicated device, the list could be arranged into columns. The columns could include: a <u>Quantity field that can be edited by the shopper</u>, and a Basic Description field. Whereas on a large display terminal such as a personal computer, the UPC/EAN barcode Number, the Manufacture, and the Manufacture's Suggested Retail Price fields could also be displayed.

[0031] If a shopper entered or scanned the same barcode number more than one time, the count will be reflected in the Quantity field. If the shopper enters a zero (0) into the Quantity field, a product can be removed (deleted) from the active list. Products with a zero value in the Quantity field will be excluded from the Shopping function.

[0041] If the shopper made a purchase, the merchant's server will send a data package to the SAP to eliminate an unintended purchase of the same product(s) 78. The data package could contain the merchant's ID, the shopper's ID, the barcode number(s) of the product(s), and quantities purchased 78. The SAP would adjust the quantity field in the shopper's active list to match the data package.

In Green's specifications, (U.S. Patent Number 5,664,110) states in (col. 7 lines 45-46): In the illustrated embodiment of FIG. 3, once an item has been added to a current product order list 52, response icons 62 are provided along the bottom of the display 36, though it is understood that the icons 62 could be disposed in other locations within the display 36. The icons 62, also referred to as command entry devices 35, are virtual buttons provided on the display 36 and are responsive to touch from a finger or stylus, or to light from a light wand (depending upon the embodiment of the display 36), and in the illustrative embodiment include increment/decrement icons 54, 56 for adjusting the listed quantity associated with a highlighted item 58. Activation of the icons 62 is represented at steps 202 and 204 of FIG. 11.

Please notice the Green language "adjusting the listed quantity associated with a highlighted item", where this invention adjust the quantity field is accomplished automatically and randomly.

[0004] Presently a shopping list can be built piecemeal, any time and anywhere, by scanning, speaking, or keying-in barcode numbers of **desired** products into all kinds of terminals. These range from personal computers, to cell-phones and numerous other handheld and standalone terminals and devices. Merchants worldwide, encouraged by the popularity of the Internet and Wireless technology, are setting up Web enabled e-commerce shops in ever increasing numbers.

Please Note: The word **desired** used in sections 0004 and 0039 (above) and new claims 34 and 36 of this application indicate that the products and/or services are only desired and used to distinguish the products and/or services as simply wished for and not an order for the products and/or services.

Regarding new claim 35, teaches about electronically connecting the terminal-device to the shopper assistant portal, the shopper assistant portal maintaining information relating to all products and/or services, and the individual digital merchandise codes of products and/or services offered by the plurality of merchants.

Please note: The shopper assistant portal is maintaining information relating to all products and/or services, and only the individual digital merchandise codes of products and/or services offered by the plurality of merchants are stored.

Regarding new claim 36, teaches about establishing an Active-List by the said shopper selecting and uploading one of the possible pluralities of individual digital merchandise codes databases of desired products and/or services from the terminal-device to the shopper assistant portal, where software on the shopper assistant portal processes the said Active-List by matching each record in the said Active-List with the associated data of each product or service, thereby updating the said Active-List with the current data that consist of at least the basic description and downloading the updated version of the said Active-List to the terminal-device to be examined and possibly modified by the said Shopper.

Again as in claim 34, I am talking about desired products and/or services, and only the basic description is specified as being downloaded to the shopper.

Regarding new claim 37, teaches how the shopper assistant portal processes the said Active-List by matching each record in the said Active-List where the quantity field is greater than zero, with merchants that offer the products or services and cater-to the area determined by the said shopper, creating a database file that contains every merchant that caters to the said shopper's specified area and offer one or more of the products and/or services in the said Active-List, where the said database file is referred to as a List of Merchant.

Again as in claims 32, 33 and 34, I am talking about using the quantity fields of claim 34 and the geographical areas of claims 32 and 33 to create the List of Merchant.

Regarding new claims 38, 39 and 40 explains how a shopper is directed to a merchant's e-commerce site, and how the shopper interacts directly with the merchant through a user interface designed and maintained by the said merchant, how the shopper makes a purchase utilizing a point-of-sale system specified by the merchant, and how the quantity field is adjusted if a purchase is made.

Regarding new claim 41 teaches how the shopper assistant portal processes the Active-List after a shopper has finished a session with a merchant, and how a new List of Merchant is created if a purchase has been made.

Regarding new claim 42 teaches when a shopper initiates a session with more than one merchant at a time, and how the shopper assistant portal saves copies of the Active-List distinctively for each merchant that the shopper is in session with.

Inasmuch as my original application for patent number 4,654,482 ('482) was rejected the first time it was presented was because of the art taught in the Johnson 4,107,467 patent, which teaches the art of punched cards used to identify items to be ordered from a central location. We were able to get the application granted by changing the application to: "A terminal provides for ordering merchandise from any one of a **plurality** of merchants over the direct distance dial telephone network while remaining at home." The key is the word "plurality".

The Davis application number 2002/0087430 and the Wood application number 2004/0034571 are clearly order processing systems where users purchase all goods and services through a central location, which in my opinion seems to be infringing on the Johnson 4,107,467 patent.

35 U.S.C. 101 Inventions patentable.

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any ***new and useful improvement*** *thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.*

I agree that Green (U.S. Patent Number 5,664,110) made improvements to the '482 patent, he added features that were impracticable in 1984 when there were no portable computers, let along a PDA with a touch-screen, heck, the two-by-forty character alphanumeric LCD display that I used to build my prototype cost me over a hundred dollars and memory was about twenty-five dollars a kilobyte at that time.

I can see Green receiving a patent for his enhancements, such as editable multiple shopping lists, a touch display, displaying nutritional data and product pictures, storing and sorting product descriptions and prices, and passing advertising and promotional information to the user, but he cannot rewrite the claims of the '482 patent and claim them as his claims.

HISTORY

In 1991, I came across a company called U.S. Order who was offering a stand-alone device with an attached barcode reader to be used by shoppers, where shoppers would select items of interest from several different merchants, using the attached barcode scanning wand, and then process the order through the U.S. Order's ScanFone system.

At that time Mr. Robert Wagner and Mr. Thomas Stine were still General Partners in the firm that at that time was called Wallenstein, Wagner, & Hattis, Ltd. Mr. Stine thoroughly examined the U.S. Order's ScanFone system, and concluded that the U.S. Order's ScanFone system was NOT infringing on my '482 patent.

He [Stine] said "the '482 patent's art teaches that a user could shop one or a plurality of products from two or more merchants, in the case of the U.S. Order's ScanFone system, the users are processing all the orders through the U.S. Order service (the same as the Davis and Wood art). He also told me to think of it as a patent for a radio that can receive several broadcast frequencies. – A garage door opener would not infringe because it is operating on only one frequency.

I am totally flabbergasted with the Green patent. Let me shed some history with you. On March 24, 1994, I demonstrated my system to Anderson Consulting located at 600 W. Fulton Street, Chicago, Illinois, where they [Anderson Consulting] had two mockup stores of the future setup; a grocery store and a sporting goods store. After the demonstration to the people of Anderson Consulting, I was told that some people from Symbol Technologies, Inc. happened to be in town and they heard about my invention and would like to see it. Since I consider Symbol to be the IBM of the barcode world, I was very happy to show them my invention. Three people were present; Mr. Frank Riso (Senior Market Manager Retail Food Industry), Mr. Andy Cawthon (Reseller Account Manager), and Ms. Josephine A. Martell (Senior Manager, Strategic Marketing). When the demo and the Q&A was over, I asked them "what can Symbol do for me?" to which Mr. Riso answered; "nothing, I just wanted to say 'I knew you when'". Although I cannot prove it, I believe that someone at Symbol Technologies encouraged Green to file a "work around" patent application after seeing the demonstration of my system.

In 1998 when Symbol introduced a new product called the InfoPen, which was a portable barcode reader shaped like a writing pen that a user could carry around with them and scan barcodes of products of interest conveniently. Digging further, I found that Symbol Technologies, Inc. had entered into an agreement with Mr. Green of HighPoint Systems (the same Green of the 5,664,110 patent), in addition there was a news clip stating that U.P.S. had seeded HighPoint with one million dollars to build out their system.

Over the years, I kept in touch with Mr. Riso, so I called him and questioned him about the matter. He told me that he understands that my '482 patent allows someone to shop at a plurality of merchants, and to the best of his knowledge, people using the HighPoint system would have to have six separate InfoPens if they wanted to shop with six different merchants, because each InfoPen has an unique serial number embedded into it and each InfoPen could only be used with one merchant. However, the information posted on the HighPoint website did not state that, so I contacted Mr. Green at HighPoint Systems. His response was very cordial and he said that he would be getting back to me.

On February 4, 1999 I received a call from Mr. Alan Alder the VP of Product Development for HighPoint, to discuss a licensing agreement. A couple of months latter, Mr. Alder came out to the San Diego area and we had lunch. On July 8, 1999 Mr. Alder called me asking for a dollar amount, and I told him that I would accept ten thousand dollars a month for the first year and asked for proposal in writing from HighPoint. We had several conservations and in December of 1999 I flew to Boston and met with Mr. Green and Mr. Alder. They told me that they were unable to get any merchants interested in the system and have abandoned the project, however, they never mentioned anything about the 5,664,110 patent, or the U.P.S seed money.

U.S. Patent Number 5,664,110-granted September 2, 1997 to Green states in claim 1:

1. A remote **ordering terminal** for providing at least one list of at least **one item or group of items** to a remotely located order processing system associated with **one or more merchants** on each of a plurality of occasions, each item or group of items having an item code associated therewith, said remote ordering terminal comprising:

user and/or merchant identifier means;

at least one **data entry device** for providing said terminal with said item associated **item codes** and with data from said user and/or merchant identifier means;

a **database** unit providing a user-specific database including user-discernable **item data associated with item codes** for user-selected items or groups of items;

memory to provide storage for said user-specific database, said memory in communication with said at least one data entry device for **storing said at least one list**;

communication means for associating said memory and said order processing system upon user command for remotely accessing said order processing system over a **multi-user network**, for transmitting said at least one list to said order processing system using said data from said user and/or merchant identifier means, and for receiving new and/or replacement user-discernable item data from said order processing system during association of said memory and said order processing system, said new and/or replacement user-discernable item data corresponding only to said at least one item or group of items of said at least one list;

a message **display** portion in communication with said memory and said user-specific database for displaying order pertinent information including said user-discernable item data from said memory; and

at least one **command entry device** responsive to user selection of items from said order pertinent information for assembling said at least one list and for enabling said user command, resulting in said transmitting of said at least one list to said order processing system,

wherein said at least one list is comprised of an order to be processed by said order processing system, or a provisional order list transmitted to said order processing system, transmission of either resulting in on-demand receipt of said new and/or replacement user-discernable item data within said user-specific database for said at least one item or group of items.

U.S. Patent Number 5,978,773-granted November 2, 1999 to Hudetz states in claim 1:

1. An **apparatus** for using an **article of commerce** to access a **remote computer**, comprising:

(a) a **machine-readable indicia associated with the article of commerce**, said indicia encoding at least one of a plurality of identification numbers, said encoded identification number corresponding to the article in accordance with an extrinsic standard;

(b) **an input device generating a signal corresponding to said encoded identification number**; and

(c) a **database containing a plurality of network addresses** and said plurality of identification numbers, each of said identification numbers being associated with at least one of said plurality of network addresses; said database being responsive to said signal for **providing one of said network addresses which is associated with said encoded identification number;**

further comprising a local host adapted for network communication; and a first network containing a **plurality of nodes, each having an assigned network address**; said network being operatively coupled to said local host for allowing **communication between said local host and that one of said nodes** whose assigned network address corresponds to the network address provided by said database.

U.S. Patent Number 6,199,048 granted March 6, 2001 to Hudetz states in claim 1:

1. A method of **connecting a user computing device to one of a plurality of remote computers** available for **communication over a network** comprising:

a) reading a data carrier modulated with an index;

b) accessing a database with the index, the **database comprising a plurality of records that link an index to a pointer which identifies a remote computer on the network**;

c) extracting a pointer from the database as a function of the index; and

d) using **the pointer to establish communication with the remote computer identified thereby.**

U.S. Patent Number 6,625,581-granted September 23, 2003 to Perkowski states in claim 1;

> 1. A method of **purchasing a consumer product** over the Internet comprising the steps of: (a) storing on a first Internet-based information server connected to an information network, a Consumer Product Information Request (CPIR) enabling Servlet encoded with a **Universal Product Number (UPN) of identifying a particular consumer product**; (b) embedding a CPIR-enabling Servlet tag associated with said CPIR-enabling Servlet within the HTML code of a Web page served from a second Internet-based information server; (c) displaying said Web page with said CPIR-enabling Servlet tag embedded therein, on a Web-browser enabled graphical user interface (GUI) nmining on a **client computer operably connected to said information network** and accessible by a consumer; (d) said consumer clicking on said CPIR-enabling Servlet tag embedded within said Web page, so as to automatically initiate said CPITR-enabling Serviet associated with said CPTR-enabling Serviet tag to execute on said information network, and a request for information on the consumer product identified by said UPN to be carried out against an Internet-enabled database server; and (e) in response to said request, automatically displaying on said Web-browser enabled GUI, information retrieved from said Internet-enabled database server for access and use by said consumer; wherein said displayed information comprises one or more Uniform Resource Locators (URLs) pointing to **one or more EC-enabled stores** or on-line catalogs on the WWW at which the consumer **product identified by said encoded UPN** can be purchased and delivered to a particular address in physical space.

U.S. Patent Application Publication 2002/0030096 dated March 14, 2002 by Isherwood

> 1. A method for **directing an end-user to a network location** using information corresponding to a provider associated with the end-user, comprising: a) providing a database with a plurality of records each of which is associated with a **different machine-readable code**, wherein one or more of the records has a **plurality of different network addresses** associated therewith, the different network addresses being **associated with different providers**; b) receiving at a network site, scan information associated with one or more scans of machine-readable codes made by the end-user with a **remote scanning device**, the end-user being associated with one of the different providers; c) retrieving from the database, in response to the scan information, records associated with the machine-readable codes scanned by the end-user; d) based on criteria specified by the provider associated with the end-user, selecting at least one network address for each of the retrieved records; and e) initiating transmission of the at least one selected network address from the network site to the end-user.

U.S. Patent Application Publication 2002/0087430 dated July 4, 2002 by Davis states in claim 1:

> 1. A system for **purchasing products from a plurality of unrelated merchants** offering products for purchase through electronic commerce systems, said system comprising: an information gatherer for obtaining information from a **target merchant relating to available products for purchase**, said target merchant being at least one of the **plurality of unrelated merchants**; and a purchase requester for providing the target merchant with a purchase request made on behalf of the purchaser.

U.S. Patent Application Publication 2004/0034571 dated February 19, 2004 by Wood, States in claim 1:

> 1. A **network based ordering system** comprising: one or more client devices connected to a server through a network, **each client device operated by a user**; one or **more merchant devices connected to the server through a network**, each merchant device associated with one or more merchants; a memory in which is stored a merchant product database, the **database including a plurality of product data items representing products available from two or more merchants**; a **display** configured to display to a user information identifying one or more product data items from **a plurality of merchants** in the memory; a request processor configured to receive a user order from a user for one or more products; a dispatcher configured to receive the user order from the request processor, to transmit the user order to a delivery agent for delivery of the ordered products to the user; and an inventory manager configured to receive a user order from the dispatcher and to update the merchant product database

I find it hard to believe that the U.S. Patent Number 5,664,110 granted to Green was issued in spite of the fact that the '482 patent was referenced, because of the similarities in independent claims.

I also see in the U.S. Patent Number 6,625,581 granted to Perkowski was issued in spite of the fact that the '482 patent was referenced, because of the similarities in independent claims.

I believe that the U.S. Patent Numbers 5,978,773 and 6,199,048 granted to Hudetz, would not have been issued if the '482 patent was referenced.

I also see similarities in independent claims of the U.S. Patent Application Publication 2002/0087430 of Davis and the U.S. Patent Application Publication 2004/0034571 of Wood, with the '482 patent and particularly with the claims of the Johnson 4,107,467 patent.

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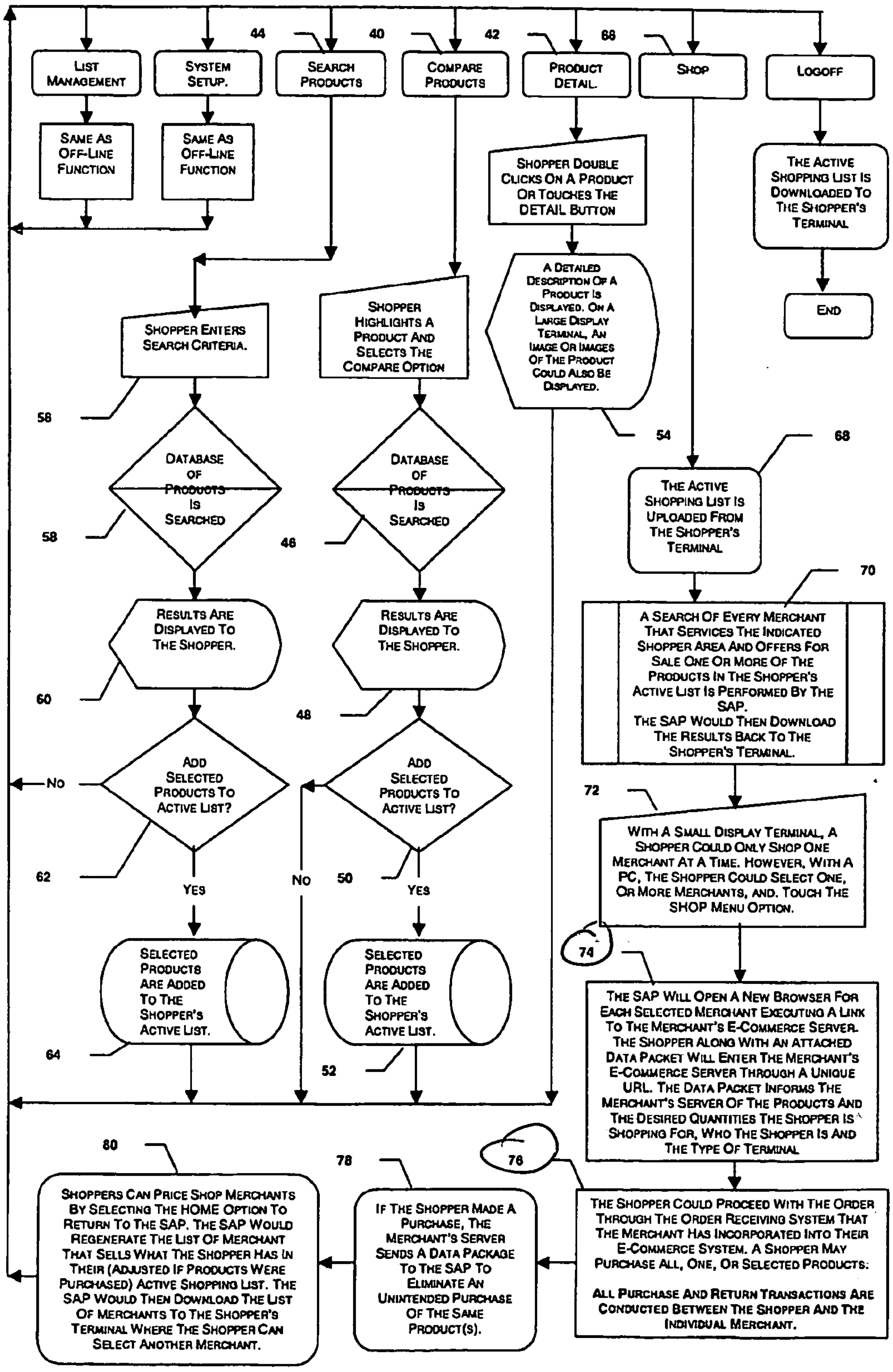
Lawrence J. DeAngelis (Inventor)

1 NOV 6
Date

FIGURE 2

ON-LINE FUNCTIONS & MULTI-MERCHANT SHOPPING



Notice of Non-Compliant Amendment (37 CFR 1.121)	**Application No.** 10/679,791	**Applicant(s)** DEANGELIS, LAWRENCE J.	
	Examiner Asfand M. Sheikh	**Art Unit** 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 02 September 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:
  ☐ A. Amended paragraph(s) do not include markings.
  ☐ B. New paragraph(s) should not be underlined.
  ☐ C. Other _____.

☐ 2. Abstract:
  ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  ☐ B. Other _____.

☐ 3. Amendments to the drawings:
  ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  ☐ C. Other _____.

☒ 4. Amendments to the claims:
  ☐ A. A complete listing of all of the claims is not present.
  ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  ☐ E. Other: _____.

☒ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):
  Please refer to the attached sheets.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:
Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable   Telephone No.